CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:
   - ☑ Policy/Regulation Interpretation
   - ☐ QC
   - ☐ Fair Hearing
   - ☐ Other:

2. REQUESTOR NAME:

3. PHONE NO.:

4. REGULATION CITE(S):
   MPP 63-402.6, 63-300.43, Probate Code Section 2920

5. DATE OF REQUEST: 8-21-12 (10-9-12)

NEED RESPONSE BY: 8-28-12 (10-16-12)

6. COUNTY/ORGANIZATION: Ventura County

7. SUBJECT: Authorized representative- Public Guardian

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).
   MPP 63-402.6, PICS- None, MPP 63-300.43, Probate Code Section 2920 et seq.

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

See page 2. Per MPP 63-402.6 either the head of household or other adult member can appoint an authorized representative. Per regulations the appointing of an authorized representative originates from the household's request. We received an application for CalFresh benefits for a single adult. When contacted the applicant states that she does not want CalFresh. We learned that she has been appointed a Public Guardian and the Public Guardian wants to pursue the application.
Can the Public Guardian be the authorized representative and apply for CalFresh even if the elderly household member declares that she does not want CalFresh benefits and has not appointed an authorized representative?
Can the Public Guardian appoint himself as the authorized representative by nature of his position?
If he is the authorized representative does he take on all responsibilities of the authorized representative including responsibility for the EBT card and for any over-issuances?

10. REQUESTOR'S PROPOSED ANSWER:

In situations where an applicant is under the care and responsibility of the Public Guardian, the Public Guardian may make an application on the behalf of an applicant and should be treated as the authorized representative on the case regardless of whether or not the adult that he represents indicates that they do not want CalFresh benefits. The Public Guardian must fill out and sign all paperwork included authorized representative forms and takes responsibility for the EBT card, benefits and any over-issuances that may occur.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

CDSS concurs; however, the county must review the court order because the authority of the public guardian varies depending on the court order. That authority can be limited to a guardianship over property or an estate or it can amount to a legal guardianship of an individual encompassing full authority on their behalf. See Probate Code sections 2900, et seq. Where the public guardian is appointed as a full legal guardian per Probate Code section 2920, they would have rights superior to an authorized representative. A legal guardian per court order would seem to meet all the powers of the authorized representative; however, the county must review the court order to determine the authority granted to the public guardian by the court order.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ: 09/14/12 (FNS and CDSS Legal Consulted)

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Other:	5. DATE OF REQUEST: 10-08-12	NEED RESPONSE BY: 10-15-12
	6. COUNTY/ORGANIZATION: County of Ventura	
	7. SUBJECT:	
2. REQUESTOR NAME: Margarita Cabral	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).** MPP 63-402.6, PICS- None, MPP 63-300.43, Probate Code Section 2920 et seq., 63-402.6	
3. PHONE NO.: 805-477-5363		
4. REGULATION CITE(S): MPP 63-402.6, 63-300.43, Probate Code Section 2920		

Follow up question:
We reviewed the court order and guardianship is limited to guardianship of the estate, not the person. The Public Guardian is stating that they have not applied for guardianship of the person. They are maintaining that they should have right to apply on behalf of the individual for CalFresh with the letter of guardianship of the estate. The Public Guardian is siting Probate code 1834. Under code 1834 on the GC-348 Duties of the Conservator, page 3 of 7, of section IV it states regarding the conservators responsibilities that they must "see that the conservatee receives all the income and benefits to which he of she is entitled". They feel this entitles the Public Guardian to apply for CalFresh. We however understand that CalFresh is a program that requires an eligibility determination; it is not an entitlement program. They also state that they can apply for Calfresh because the applicant can not grocery shop any longer for herself and by applying for CalFresh they are protecting her estate. The applicant maintains that she does not want CalFresh.

We do not see any language in the court order that supports the Public Guardian to act as authorized Representative for CalFresh. We are denying the application based on the applicants statement that she does not want CalFresh.

Does 'guardianship of the estate' make the Public Guardian eligible to apply on the applicants behalf as her authorized representative even though she has stated she does not want benefits?

Also, the public guardian is asking if they can still be the authorized representative if the applicant changes her mind and wants to appoint the public guardian as her authorized representative. Per MPP 63-402.611 a and b, an applicant can appoint an adult in writing who is aware of the household circumstances as authorized representative.
Can she appoint the "Public Guardian" as her authorized representative even though they do not have guardianship of the person? Or can she only appoint an individual person?

County Response:
(The requestor's proposed answer remains the same)

CDSS Response: (The original answer remains applicable.)

Question 1: Does 'guardianship of the estate' make the Public Guardian eligible to apply on the applicants behalf as her authorized representative even though she has stated she does not want benefits?
Answer: No, in cases where there is a lack of consent from the household, the court order must state guardianship or conservatorship of the person.

Question 2: The public guardian is asking if they can still be the authorized representative if the applicant changes her mind and wants to appoint the public guardian as her authorized representative
Answer: Yes, per 63-402.611.

Question 3: Can the household appoint the "Public Guardian" as her authorized representative even though the guardian does not have guardianship of the person?
Answer: Yes, per 63-402.11.

Question #4: Can a household only appoint an individual person?
Answer: No, per 63-402.611, the household can designate an authorized representative who is an adult sufficiently aware of relevant household circumstances in writing to act on behalf of the household.